

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ISRAEL CRUZ,

Case No. 2:17-cv-01396-APG-VCF

4
5 *Petitioner,*

ORDER

6 vs.

7 IMMIGRATION AND CUSTOMS
8 ENFORCEMENT,

9 *Respondent.*
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11 This immigration habeas matter under 28 U.S.C. § 2241 comes before the Court for initial
12 review. The filing fee has been paid.

13 Petitioner was in local custody at the time that he filed the petition on a municipal court
14 conviction. The sole relief requested in the petition is that an immigration detainer or “hold” be
15 removed, with petitioner explicitly stating that “nothing more” is requested. (ECF No. 1, at 9.) A bare
16 immigration detainer or hold alone does not place an alien in the custody of federal immigration
17 authorities for purposes of federal habeas jurisdiction. *See, e.g., Campos v. Immigration and*
18 *Naturalization Service*, 62 F.3d 311, 314 (9th Cir. 1995); *Bederian v. Apker*, 2017 WL 880416, at *1
19 (E.D. Cal., March 6, 2017); *Bone v. Holder*, 2015 WL 2345545, at *2 (E.D. Cal., May 14,
20 2015)(collecting cases); *Montalvo v. United States*, 2010 WL 1418193 (D. Nev., April 6,
21 2010)(denying a COA on the issue). This action accordingly will be dismissed for lack of jurisdiction.¹

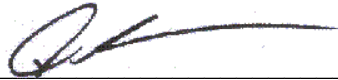
22 IT THEREFORE IS ORDERED that the petition shall be DISMISSED without prejudice for
23 lack of jurisdiction.

24 IT FURTHER IS ORDERED that a certificate of appealability is DENIED, as jurists of reason
25 would not find the Court’s dismissal of the action for lack of jurisdiction to be debatable or wrong.

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27 ¹Nothing herein suggests that the petition is not subject to other deficiencies. *Inter alia*, it does not appear that
28 petitioner has named a proper respondent, and the factual allegations presented further do not appear to state a claim for relief under the Due Process Clause. The Court does not reach any such issues given that the matter is being dismissed for lack of jurisdiction.

1 The Clerk of Court shall enter final judgment accordingly, dismissing this action without
2 prejudice.

3 Dated: November 13, 2017.
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8 ANDREW P. GORDON
9 United States District Judge
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